

REMARKS

In accordance with the foregoing, new claim 12 is presented, without any new matter.

EXPLANATION OF NON-PRIOR ART STATUS OF JP 11-63523 (JP PUBLICATION NUMBER 2000-353474)

Claims 1, 2, 7, and 9-12 are pending and under consideration.

As described in the attached English translation of the JPO's rejection of claims 1-7 of the Japanese application, the Examiner concluded that the invention, as therein recited, is disclosed in the Japanese application 1 (Application No. 11-63523). The document IKEDA is cited as an auxiliary reference that illustrates a blackbody locus, which the Examiner referenced for confirming the relationship between the blackbody locus and the chromaticity coordinates described in the application 1.

The application 1 merely describes that the display color, which is a mixed color of the fluorescent material light emission plus a neon light emission color in the white color display, is deviated in the positive direction from the blackbody locus and is changed by a filter to a color deviated in the positive direction close to the blackbody locus.

The teachings of application 1, however, are not relevant to the subject U.S. application, because the application 1 is not prior art under the U.S. Patent law relative to the present application. Particularly, the publication date of the application 1 is December 19, 2000, which is after the U.S. filing date of the subject application of November 28, 2000 and, it follows, after the Japanese priority benefit date of December 7, 1999, claimed herein.

By way of further background, as communicated to the undersigned by the Japanese Patent firm responsible for prosecution of the Japanese application, priority benefit of which is claimed herein, the rejected claim 1 in the Japanese application was broader than the claim 1 in the U.S. application. In the response to the JPO rejection, claim 1 was amended to be the same as claim 1 in the U.S. application. Moreover, a claim was added therein, which is the same as new claim 12 of the present, Preliminary Amendment, in the subject U.S. application. All the claims, including the amended claim 1 and the added new claim in the Japanese priority application, have now been allowed.

CONCLUSION

In accordance with the foregoing, it is submitted that the referenced Japanese application and related publication do not constitute prior art relative to the subject U.S.

Docket No.: 1466.1017

Serial No. 09/722,697

application.

Furthermore, it is submitted that new claim 12 is patentable over the prior art, heretofore record herein. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: December 28, 2004

By: _____


H. J. Staas

Registration No. 22,010

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501